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A
L E T T E R
T O
JOHN WILKES, Esq;
SHERIFF OF LONDON AND
MIDDLESEX;
IN WHICH

THE EXTORTION AND OPPRESSION
OF SHERIFFS OFFICERS, WITH MANY
OTHER ALARMING ABUSES, ARE EX-
EMPLIFIED AND DETECTED; AND A
REMEDY PROPOSED:

THE INFAMOUS PRACTICE OF ATTORNIES
CLEARLY POINTED OUT;

AND MANY OTHER REAL GRIEVANCES WHICH
THE COMMON PEOPLE HAVE LONG GROANED
UNDER WITHOUT RELIEF.

ILLUSTRATED WITH
CONSIDERATIONS ON THE POLICY
AND ADVANTAGE OF ARRESTS IN
GENERAL, &c. &c.

*Careless of censure, nor too fond of fame,
Still pleas'd to praise, yet not afraid to blame.*

POPE.

By ROBERT HOLLOWAY, Gent.
Of GRAY'S-INN.

L O N D O N:

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TO THE
P U B L I C.

A DEDICATION seems as necessary to a publication as legitimacy to a child ; but as I have no blown-up fool to flatter, no private end to answer, no itch to become an author, thirst for praise, nor dread of censure, I shall therefore commit the annexed sheets to your protection ; in the course of which the reader will find my pen a most faithful amanuensis to truth. And if so weak a monitor contributes but a mite to general utility, the end is fulfilled ; if no, the intention is equally laudable. I have sowed the seeds of reformation ; it is you must manure the land, and give the increase. The task is undertook at infinite peril ; an accumulation of
enemies

enemies is the certain consequence, whilst a creation of friends amounts not to a glimmering hope. To raise a party or private emolument, I have quitted the turnpike-road, and omitted every thing necessary for the purpose; viz. libelling the most respectable characters in the nation, and giving scurrility and falshood a perference to truth.

It may be said with more envy than justice, that the subject matter is but the consequence of a private quarrel between the author and ONE of the parties alluded to. Such squibs of malice, and other obstacles of the like nature, I am well aware of, and am provided with proper artillery to combat all such opposition. It is therefore necessary to declare, that I took chambers in Gray's-Inn with a settled purpose of detecting the numerous and enormous
abuses

abuses and cruelties contained in the following treatise.

How I came to fail in the undertaking, my Letter to the Citizens of London fully explains.

The seizing my furniture, books, papers, and every thing I was possessed of, under PRETENCE of debt, and the more flagrant PRETENCE of EXECUTION, together with the dispossessing me of my habitation, will neither serve to prevent the subscribing myself of Gray's-Inn, or continuing there, if a GRAIN of JUSTICE or EQUITY is to be found in a TON of LAW.

I am,

With some degree of faithfulness,

The public's devoted servant,

ROB. HOLLOWAY.

ADVERTISEMENT.

THE originals from whence these copies are most exactly drawn, being **WHOLE LENGTH** pieces, in a Letter to the **CITIZENS** of **LONDON**, the publication has been **SUPPRESSED** on account of their **MONSTROUS MIEN**. Notwithstanding the *Dignity* and *Gracefulness* of their personages, I shall make bold to exhibit them to that part of the public who have curiosity enough to know the **NAMES, FIGURE, and CHARACTER** of the most **ILLUSTRIOUS SCOUNDRELS** this century has produced.

* * The publisher of this Letter will give a direction to the author

ROB. HOLLOWAY.

T O

JOHN WILKES, Esq;

S I R,

THERE is an innate satisfaction in human nature that will ever manifest itself when occasion presents the tribute of praise to our actions, and a generous mind feels an equal degree of pleasure in paying that tribute in the coin of truth; but the ambiguity of your actions renders their construction so doubtful, there is much hazard in giving or denying them approbation. Whilst the boisterous malevolence of your enemies load you with vices foreign to your heart, the fanatic adulation of your zealots as fervently extol you for virtues we know not of. Opinions diametrically opposite in general are but hyperbolès created and cherished by the violence of party, and at best leave an hypothesis too intricate to

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draw

draw any conclusion of real principles or motives from. It is therefore not altogether unpardonable if a writer should err in the portrait of a character so equivocal. In two things however the people of all degrees, interest, and principles seem to concur; namely, that the advantage derived from your conduct has heretofore been merely accidental, and that if your integrity could keep pace with your abilities, this nation might justly boast an ornament unknown to others; whether either or both these conjectures bear the testimony of truth your own heart can best determine; nevertheless it is indisputably evident that we have not witnessed one premeditated or intentional benefit, independent of your own personal and private interest, flowing from a course of eight years patriotism; how far your endeavours may have fell short of your assiduity and inclination in the pursuit of any public good, I will not contest. The multitude have long been taught to consider you as an oracle pregnant with miracles eventually as their different imaginations represented them; as yet those sanguine expectations are totally unanswered: it is therefore absolutely necessary to do something either TO SERVE OR DECEIVE, no matter which. Credulity is the characteristic of Englishmen,
who

who as greedily swallow the deception as the service. They have entertained a most sovereign respect for the hacknied and prostituted word LIBERTY, without a comprehension of any property or meaning peculiar to that admirable substantive more than the bare sound; to evince this truth we need only look back and view the innumerable stabs given to the vitals of Liberty in those very moments they meant to celebrate her triumph over Tyranny. The seizure of your person and papers with a general warrant furnished us with one instance of ministerial oppression, or rather ministerial ignorance; to remedy which we have seen the misguided advocates of Liberty committing every species of violence without any warrant at all, spurning the authority of magistrates, and attempting a total subversion of that order and government so absolutely necessary to GENUINE LIBERTY, the certain effects of a bigoted enthusiasm. Liberty in itself is the balm of life to an Englishman; but, like physic prescribed for our health, if treated with judgment, preserves the frame; if not, turns to poison and destroys it.—Our excellent constitution has rendered this inestimable jewel the birth-right and inheritance of the meanest subject, not in proportion to our other enjoyments, but in such equal lots, that the

peasant shares with the prince. The thing itself is the same in king or subject, the difference only subsists in the mode of obtaining and using it. A due reverence to the laws of the land on which Liberty is founded, and a proper respect to the ministers acting judicially under lawful authority, is the most eligible method of preserving our privileges, whilst an impartial distribution and faithful interpretation of those laws will most assuredly prove a sufficient bulwark against all infringements or attacks of tyranny. Nor need we have any *apprehensions* for contrary events, but from a spirit of sedition amongst ourselves. When anarchy supercedes order and subordination, when the laws become trampled on and violated, when right and wrong have lost their distinction, and justice and injustice are melted down into the same mass, Liberty will perish in the confused chaos, and we shall inevitably become slaves unpitied, inasmuch that we have voluntarily sapped the foundation of freedom, and forged the chains of our own bondage.

Thus much, Sir, I held absolutely necessary by way of introduction, and for two special reasons; first, to manifest my independence of party zeal; and secondly, to
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shew my esteem for the laws before I venture to censure the execution of them.

I shall now proceed, with a candid mediocrity between the extremes of violent prejudice and blind partiality, to point out a grievance of a most oppressive nature, which the common people have long groaned under and complained of to no purpose. As this is a species of oppression falling immediately under your own absolute power in some measure (as sheriff) to redress (independent of ministerial mandates or influence) we shall therefore look upon your endeavours to remove the injuries and establish a remedy as the touch-stone or standard of your affection and gratitude to a people who have deserved both on many occasions. It is evident you was apprized of the infinite abuses committed by sheriffs officers previous to your election, and that these abuses called loudly for redress; therefore you very judiciously made a public declaration, "that the rectifying such intolerable cruelties should be considered as the condition of your election." Having thus pledged your veracity for the due performance of so necessary and interesting a contract, we wait with some impatience the redemption of this solemn pawn. The hour is now approaching which
will

will provide you fair opportunity of riveting the affection of your friends and contemning the malice of your enemies.

In an undertaking so truly laudable and beneficial to the lives, liberties, and property of your fellow citizens and subjects, you cannot doubt the assistance of every friend to justice. Experience has furnished me with a plentiful stock of such materials most necessary to lay the foundation and ground-work of your intended plan, and I shall most cheerfully transfer them when called on. Though notwithstanding such assistance, joined to your own unparalleled intrepidity, sagacity, and acquaintance with the laws, I fear the task of reformation will prove too arduous for your single efforts. That you may form a more perfect idea of the difficulties you have to encounter, I shall set before your view the rise, progress, abilities, strength, and preposterous magnitude of a modern sheriff's officer. This excrement of the law is in general the outcast of bagnios and more infamous brothels, or the vomit of every gaol within the bills of mortality ; if he can boast a seven years tour to America, it is an acquisition to his pretensions. Let this be as it may, certain it is, that they most carefully unload themselves of every tender sensation
and

and feeling incident to human nature to render their conscience light enough for a thorough bailiff. Bawdy-house keepers, or other persons of equal reputation, find it their interest to stand security to the sheriffs, the clerks in whose office, after receiving the necessary perquisite and treat, admit him to the vocation of his profession; being thus constituted a minister of justice *durante bene placito*, and having been regularly initiated in the principles of thieving from his cradle, he begins the plundering trade, as if licensed pursuant to act of parliament, under the cherishing wings of the law, provided with the annexed indispensable implements of his profession; viz. ten of his primitive companions, by way of a *corps de reserve*, when on the forlorn hope *, a thorough-paced petty-fogging attorney, an infamous broker, whose conscience exceeds not the price of a rush chair, and a *very reputable, worthy*, monied-man, whose successful VILLANIES have enabled him to advance a sum on every occasion that offers a VICTIM to his *Friendship*. The diabolical band of this demi-pluto being thus arraigned, and his household

* Wretches that swear to affidavits upon all occasions, without knowing the contents, or the person they are exhibited against.

established under the inspection of a female with principles of the same dimension, the inquisition opens, and the tortures begin on the first unhappy object that falls in their clutches, who is no sooner brought home (as the phrase is) but surrounded by this flock of harpies. The attorney attends in capacity of midwife to his misfortunes, and most carefully delivers him of all his secrets, such as, how much property he is possessed of, how much he owes, and many other particulars very material to him; the bottle is pushed briskly about, and the prisoner is made to believe he is amongst his best friends. The first and principal point is gained when they have prevailed on him not to pay or settle the debt. If he wants money a *worthy honest* man attends, who will lend it him, doing these things frequently to men in his situation. Five different messages are sent to his acquaintances to bail him; the messenger *mistakes* the way, and goes to his other creditors for more writs; the prisoner is charged a shilling or half a crown for each of those *services*. Unluckily his friends were out—but what of that! Mr.— and Mr.— shall bail him to-morrow, and the scoundrel of a plaintiff will never have six pence (the only word of truth he hears). To-morrow comes, the office is to be searched—unlucky again!

again! it is a holiday, or not office-hours, &c. &c. Now a bill is brought in of five or six pounds, for which his new acquaintance have eat and drank well; his pockets stripped paves the way to stripping his house—another writ or two is come against him by these delays. The unhappy man is now fairly in the trammels—what must be done! Why, any thing to obtain liberty. The bailiff's good friends bail him, at the *modest* expence of half the debts—and from that moment he dates his inevitable ruin. He is soon after called on to bail some rascal of their own upon a sham action, who is never to be found afterwards; therefore he must pay the debt and cost, which is snacked in the FAMILY. If it is inconvenient, out of pure *friendship* and *humanity*, a little time is given upon a bond and judgment, which is no sooner signed, &c. but execution is taken out and levied. The *honest* broker appraises the effects to one third the value, the monied *friend* purchases them under the sheriff's bill of sale, the deluded wretch is robbed, beggared, and branded for a villain by his fair creditors, whilst the attorney, bailiff, broker, and purchaser divide the booty, and the unhappy debtor is sent to the King's Bench or Fleet, as an additional proof of THEIR industry. But as the same medicine agrees not

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with

with all constitutions, so the same doctrine suits not all principles, we will for a moment turn our attention to a fresh disease, and mark the operation of a fresh remedy. The patient now is a man of large dealings, whose credit is not quite exhausted, encumbered with a good-looking promising booty; he is therefore, in consideration of ten *per cent.* indulged with a length of tether, and bargains for a lease of liberty from term to term conditionally, that he neglects his business, and calls every day to treat his keeper with a bottle of Madeira, and some other *trifling* present of five guineas value for the she Saracen who supplies the place of hostess to this infernal inquisition. However pernicious men may esteem those kind of *services* when at a distance from the necessity of accepting them, there are few to be found possessed of sufficient resolution to reject liberty on any terms. If mankind in general were, Sir, blessed with your fortitude, they would eagerly concur in this maxim, that the worst of all danger is the dread on't. Misfortunes gather strength by travelling, and come home loaded with affliction in proportion to the time they take to reach us; therefore when we view them, though aloof, it is our interest to meet, before their burthen becomes too weighty; but the present
tense

tense is the most predominant of human passions, and we are too apt to think, whilst danger is out of sight, it is easily conquered; hence it is that the unhappy objects in question entail on themselves a life of misery, by studiously waving the difficulties of a day. If men in trade, the very instant they are arrested, would throw their property into the hands of creditors, they would certainly escape the consequences attending a different step, which at best is only delaying misery, without a hope of avoiding it:

*Like one who, willing to defer a while
A sudden ruin, props the tottering pile,
Till in short space the house, the props, and all
Together in a dreadful ruin fall.*

But to return; more actions come against the prisoner on parole, and it is necessary to have bail, not as a security to the plaintiffs, but to augment the bailiff's emolument. It is a lucky hit if he has no friends ready; for then the banditti come into pay, and the HARVEST begins, which ends not while a moveable is found on his premises; household furniture indeed is not the great crop aimed at, the unfortunate man is yet in good credit, and it would be the height of ingratitude to refuse a compliance with his own destruction,

tion, to serve such worthy *friends* as his bail ; therefore he must accept a bill of 50 or 100 l. for this rascal, another of the like sum for his colleague in iniquity, otherwise he is in danger of being rendered to prison. The bills thus obtained are negociated, and the consideration sent to the den where they were given, and there divided by the thieves who inhabit it. The bills become due—the acceptor no abilities to pay—writs are taken out—more bail is procured of the same complexion—more notes must be given for the same laudable purposes—more credulous tradesmen are easily found to take them, and the product divided as before—and so on *ad infinitum*, till his credit is on a level with their principles. A statute of bankruptcy at last drops the curtain, and thus ends the farce before the tragedy is begun, Pettyfogging attornies, bailiffs, brokers, and thieves of every denomination have devoured his substance, the creditors are in luck if enough is left to pay the expence of a commission. The bankrupt is sent to gaol to linger out the remainder of a wretched life, as a reward for that folly and imprudence, which his creditors construe fraud and villany.

It

It may be thought, Sir, that the fertility of my invention supplies the chasm of bailiffs knavery, and that to indulge an unjustifiable spleen, I have given my veracity a stretch; indeed there is no occasion for fiction, I have a most plentiful stock of substantial, well-attested infamy to cull materials from, and can produce many men who have gone through this ceremony step by step, with this variation only, that the scope of villany has been more extensive, and the catastrophe protracted to a longer date. Things are strongly misrepresented if a certain bailiff of Middlesex did not extort bills to the amount of 3000 l. from one man in the afore-mentioned situation. But if these transactions, infamous as they are, were the ultimate of their villany, I should hold them so barren of vice as not to merit censure. Acts of a more alarming and cruel nature are daily practised by these BUCCANEERS and HUSSARS of law; I shall therefore overlook these as supernumerary artifices, bagatelles, and common garnish to their standing household dish of villanies, and proceed to a view of their integrity in the execution of a legal process levied on the effects of a defendant.

The first step in this business is putting from two to any *requisite* number of their own *worthies* in possession, not to preserve the pro-

property, but to swear that no such property existed, if necessary. The goods are generally taken off the premises without the *tedious* form of appraisement, inventory, or bill of sale from the sheriff; nor is the difference between the sum levied and the amount of the property any obstruction, these are niceties to be determined by law. Taking ALL the property they find is, in the Bailiff Dictionary, securing the ammunition to prevent A FIRING; the English of which is, robbing a man of ALL will prevent his having any thing left to procure redress. The burglary thus completed, the plunder is appraised by the FAMILY broker, and as formally sold to another *honest* chapman in the FAMILY way. If the injured party should fortunately raise a friend to inquire into the nature of this atrocious robbery, what avails it! the matter comes before the court—affidavits innumerable *prove* the legality of the whole transaction, and the oppressor triumphs in victorious villany. Yet a man of common understanding will answer, how is it possible these depredations can be committed with impunity, in the face of such excellent laws? I reply, that the excellency of those laws, and their favourable interpretation by our judges, &c. renders it almost impracticable to come at offenders of this class. Whilst
affidavits

affidavits can be procured at the stinted price of half a crown, to weigh in testimony against such as are the language of truth, dictated by conscience only, we have little hopes of redress for injuries of this stamp, as the complaint must be made by motion on affidavit, and the reply is made in the same mode, with five affidavits to one, which lawyers term weight of metal ; therefore we may justly say, the laws designed for our protection are in the hands of infamous professors, the most grievous evil the subject knows ; the laws of this kingdom, though the most admirable code in the known world, are but so many implements of oppression to individuals destitute of abilities to purchase a proper share of them ; a convincing proof that Liberty, unaccompanied with property, is a MERE FARCE. I will venture to affirm, that if half these outrages had been committed in an absolute monarchy, nothing less than the offender's life would atone for the offence ; from what false notions then do we bear with oppressions unknown and unheard of even amongst the Algerines, and other countries distinguished by the badge of slavery ? I will maintain that, to poor individuals, such slavery is virtually LIBERTY in every ADVANTAGEOUS acceptance of the word, in a more beneficial

ficial sense than the subjects of this country experience. Do not these laws murder the wretch languishing under the intenseness of hunger, and every other motive that the wants of human nature can urge, who steals a shilling, at the same time that they screen a dignified villain, living luxuriously on the spoils of a whole nation, who, by purchasing a little well-chewed eloquence at the bar, gets his robberies graced with the epithets of error and mistake? But, of all the diabolical practices in the creed of a bailiff and pettifogger, the breaking open our houses, under PRETENCE of an execution, is surely the most shocking, though not the least frequent. This species of burglary is perpetrated in the following manner: one of their co-operators is set up a creditor, no matter for what sum; that circumstance is guided by the amount of the property discovered on the premises. A writ is immediately sued out, and another pettifogger accepts the service in the supposed defendant's name, whom he never saw or heard of. In this manner the proceedings go on; a declaration is delivered and received in the like manner, and, to give a better colour to the transaction, a special plea is put in: in this seemingly regular mode, execution is taken out and levied on the effects of the unfortunate

fortunate object, who is thunder-struck at the event, as well he may; but expostulating or complaining is fruitless.

The property is either sold on the premises, or taken away for the same purpose.

The officer takes shelter under his warrant.

The attorney under his client's instructions to sue.

The affair is so managed as to levy the last day of a term, that no court may be open to a complaint; and before the next term AFFIDAVITS sufficient *prove* not only the legality of the debt and proceedings, but that no such transaction ever happened, if that should be found most *convenient*. I have been witness to the oppression and cruelties exercised in conquered countries, the misery and wretchedness of the inhabitants living under military and despotic governments, and to the numerous train of evils accompanying the feat of war; but never, no never, met with horrors so dreadful to look on, as are daily perpetrated with impunity in this country of boasted liberty:

As well we might the host of armies bear,

As feel the EFFECTS, DISTRESS, and FORCE of war.

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Why

Why do we tell Spain, Portugal, and Italy, that we have neither bravos, assassins, or inquisitions, when we are cursed with petty-fogging attornies, bailiffs, and knights of the post, a more numerous and dangerous sect of banditti, who commit every species of barbarity and cruelty, under the specious pretext of doing their duty? To what purpose do we daily waste our lungs, and crack the drum of our ears, bauling at the illegality of GENERAL WARRANTS, which happens once in a century?

I defy the annals of the secretary of state's office to produce a General Warrant, or even the records of the Star Chamber, an order fraught with equal oppression.

If I remember right, the warrant which seized your person and papers left you quiet possession of every thing else; and even those papers were returned, with the additional recompence of FOUR THOUSAND POUNDS: notwithstanding we look on you as a martyr to ministerial vengeance and oppression. If so, by what standard of oppression will you measure the wrongs here complained of? You cannot insult our understanding so far as to tell us, oppression from one minister of state is weightier than from

from fifty ministers of HELL, who not only seize our property, deemed such by law, but the absolute exceptions in law, papers, books, and wearing-apparel,

If, Sir, you are not a perfect MOCKERY of that patriotism you so industriously persuade us is the spring of ALL your actions, if you have a grain of genuine liberty in your composition, if you are not steeled against the feelings of humanity, lost to every sense of gratitude, and deaf to the cries of the injured, you will search and probe the very inmost recesses of these infamous transactions; and, if possible, totally eradicate the cause. But I fear the root has taken too fast a hold to be removed by your utmost efforts; indeed you may lop the branches, and prune the sprouts, but nothing less than a parliamentary aid can destroy the trunk; or at least, to make any tolerable figure or progress in the business, the chief justice must exert his abilities and power, or all yours will prove little less than abortive and fruitless. But as it is not a sufficient excuse for neglecting a part, because we cannot accomplish the whole, I shall point out to you a few inconveniencies, which may in some degree be remedied or prevented in future.

You are to take care that eligible bail is not, on any PRETENCE, rejected; for the laws have put it out of the sheriffs power to refuse such bail as APPEAR responsible for the debt at the TIME it is offered, nor does the law call on the sheriff, should such bail subsequently become insolvent; notwithstanding the contrary doctrine of bailiffs and pettyfogging attornies.

You are to take care, that for a bail-bond to a bill of Middlesex, that one guinea *per* hundred is not extorted, which is the common practice.

You should totally abolish the imposition of making a prisoner pay half a crown, but oftener five shillings, for searching the office of Middlesex; which is a tax founded on no better authority than the mutual cheat of bailiff and clerk in office.

You should take care, that no blank warrants go out of the office till the receipt of the king's writ.

You should take care, that such writs are sealed before you grant a warrant on them.

You

You should take care, that such writs are not altered after sealing.

You should take care, when more persons than one are included in a writ; that no more than one is put in a warrant.

You should constitute a sworn appraiser of reputation, and take security for his integrity in the appraisement of all such goods as are seized by virtue of execution.

You should prevent clerks in office accepting presents from bailiffs, as such presents cannot be for the public good.

You should take care, that plaintiff and defendant are not BOTH charged with the expence of arrest, and that too by treble fees.

You should appoint proper persons in Middlesex to take bail-bonds, the same as in London; but under better regulations.

You should appoint a proper person to superintend lock-up-houses twice a week, and make returns of such prisoners as remain for want of bail, and the names
of

of such bail as HAVE been by them OFFERED to the bailiff.

You should regulate the expence of lock-up-houses, and have those regulations hung up for the INSPECTION of prisoners.

YOU SHOULD PREVENT ANY OFFICER KEEPING A LOCK-UP-HOUSE, OR HAVING ANY INTEREST THEREIN.

To enumerate ALL the frauds and artifices practised by these *gentlemen* would swell this Letter to a voluminous size. Suffice it therefore, that I have pointed out more mal-practices than you will easily rectify, or could have comprehended from COMMON report, notwithstanding you conceived them to be both numerous and flagrant.

Having thus far shewn what is practised in open defiance of all laws human and divine, it will not be improper to remark how far these outrages are carefully prohibited by the strict letter of the laws now in force.

No arrest is lawful, unless the bailiff absolutely lay his hand on the defendant; for the writs express arrest by the words *CAPIAS*, *ATTACHIAS*, that is, to take and catch-
hold;

hold ; therefore, breaking open doors to make an arrest is no more lawful than breaking them to commit a burglary ; for every act of violence is unlawful till the arrest be made and complete.

No arrest in civil cases is to be made with violence, by breaking open doors, unless when regular possession shall be recovered of any house, and the defendant happens to be in such House. Therefore bailiffs enter at their peril, and the defendant is justifiable in putting him to death in the very instant he ATTEMPTS to raise a latch ; for it would be absurd to suppose the laws will protect a man in the commission of an unlawful act.

Any bailiff MALICIOUSLY arresting any person, where no cause of action is, shall suffer six months imprisonment, and shall pay treble damages, with a forfeiture of 10 l. before he is discharged.

No bailiff shall take more fees than what the law allows upon pain of incurring a penalty of 40 l. with treble damages, to the party aggrieved.

Attachment lies against him for executing
a writ

a writ OPPRESSIVELY by FORCE, EXTORTION, or in any CORRUPT manner.

But our laws have originally considered sheriffs only ostensible for the due execution of writs, and therefore take little notice of their deputies, but make him answerable for THEIR acts in a ministerial capacity; and equitably so, for the law supposes him capable of avoiding evils of this nature by chusing proper persons.

We will now consider what provision the laws have made against Barratry and other iniquitous practices of pettyfogging attornies, from whom all the other grievances, either positively or negatively, spring. My lord Coke thus defines a Barrator; *that he is a common mover and maintainer of suits in disturbance of the peace, and in taking and detaining the possession of houses, lands, and goods by false inventions, and therefore the indictment against him OUGHT to be in these words; VIZ. that he is, COMMUNIOUS MALEFACTOR, CALUMNIATOR, & SEMINATOR LITIIUM, & DISCORDIARUM INTER VICINOS SUOS & PACES REGIS PERTURBATOR, &c. &c.* which is saying, that a barrator or pettyfogger is the most dangerous oppressor in the law; for he oppresseth the innocent under colour

colour of that law which was made to protect them from oppression; and yet we have 500 of these barrators or pettyfoggers in the courts at Westminster every term, in the full exercise of their depredations, notwithstanding the laws expressly pronounce the following sentence against them; viz. " that they shall be rendered incapable of acting as attornies.

" Attornies must produce receipts from
 " under the hands of council, or other persons receiving fees, if requested by their
 " clients, or they shall not be allowed them;
 " and attornies must give in to their clients a
 " true bill, under their own hand-writing, of
 " all such fees, &c. one month before any
 " action shall be brought against their clients
 " for the same.

" No attorney shall delay his client's suit
 " from any advantage to himself, or demand
 " more than his due fees and disbursements,
 " under pain of a fine and disability to act.

" If any attorney shall suffer any other person to prosecute any suit in his name, he
 " shall forfeit 20 l.

" If any attorney's bill, upon taxation, be
 " reduced a sixth part, he shall pay a penalty
 " of

“ of 50 l. and be disabled from acting as
“ an attorney.

“ If any who have been convicted of per-
“ jury, forgery, &c. shall practise as an at-
“ torney or solicitor in any suit or action,
“ the judge, where such action shall be
“ brought, hath power to transport the
“ offender for seven years, under such pains
“ and penalties as other felons.

“ If any attorney shall procure a blank
“ warrant from any sheriff, with intent to
“ arrest, before a writ is delivered, he shall
“ be expelled and punished.

“ Every attorney must enter and file a
“ warrant of attorney in the suit he is em-
“ ployed to prosecute, under the penalty of
“ 10 l.

“ The plaintiff's attorney must file his in
“ the term he declares, and the defendant's
“ his in the term he appears.

“ And no attorney shall appear or plead a
“ plea, without a warrant from his client.”

Notwithstanding our laws abound with
these and many more excellent provisions in
behalf of the subjects at large, by prescrib-
ing

ing limits to the power, and enforcing the duty, of attornies, we daily feel their insufficiency to protect our liberty and property, a proof that human foresight is unequal to the task of guarding against the invention and chicanery of necessitous villany.

However, as the evils arise not so much from the DEFECT of our laws as from a BREACH of them, there is a firm bottom to proceed on, and from your insatiable hatred to oppression, we may hope to see some wholesome regulations in the sheriffs department. The judicious choice of Mr. Reynolds, as under-sheriff, will greatly facilitate a remedy to these growing complaints; from whom, as a man and friend to the community, we have every thing to hope—as an able lawyer, nothing to doubt.

Lock-up-houses, EMPHATICALLY called spunging-houses, were originally instituted for the mutual benefit and advantage of debtor and creditor, as a kind of interlocutory residence or respite from a prison, which gave to the former a lotted time to procure sureties for his appearance, raise money or friends to pay the debt, or otherwise settle the matter; with like opportunity to the latter to consider of and consult his own interest. Thus far it became a humane

and equitable institution ; but, O *TEMPORA* !
 O *MORES* ! how subverted are the lock-up-
 houses of this day : the instant a debtor
 enters one of these confines, a temporary
 hell presents itself. He is hemmed in and
 surrounded by a set of wretches, whose daily
 bread depends on the misfortunes of others ;
 on the one side he hears pettyfoggers read-
 ing lectures on the *THEORY* of vice, on the
 other, bailiffs urging the necessity of its
PRACTICE ; before him are raigned the
 unhappy pupils, industriously improving on
 their infernal precepts, and rendering fraud,
 perjury, rapine, and every degree of rob-
 bery, as mechanical as shoe-making ; be-
 hind stands a female *Anodyne*, bloated with
 all the infections purged from her sex, her
 heart ulcerated with vice, and her face with
 brandy, railing at the cruelty of creditors,
 and *piously* banding off *comfort* to his mis-
 fortunes, by holding out *advice* pernicious as
 Eve's apple, a taste of which would entail
 misery on his whole posterity.

A spunging-house, in its present state, is
 as destructive to the principles of a man, as
 a brothel to the chastity of a woman ; both
 enter with an equal degree of timidity and
 terror, and are seduced by similar stages of
 viciousness. The former, who held it a
 dishonour

dishonour to delay payment of his bill with punctuality, will, after a month's residence in a spunging-house, from hellish tenets and execrable examples, think it meritorious to cheat every creditor he has. The latter, who held the least obscenity offensive to her ear, will, from a like mode of seduction, and abominable examples, not only endure the sound, but court the substance. Most certain it is, that the seeds of vice are alike plentifully sown in these diabolical seminaries, and the hand of authority only can prevent its increase. But it appears, that these abuses committed by sheriffs officers are not wholly recent or local; for so long since as the year 1413 we find an act, in the first year of Henry the Fifth, to prevent abuses, extortions, and oppressions of bailiffs; which act runs thus: " Forasmuch
 " as the king's liege people dare not prosecute or complain of the extortions or oppressions to them done by the *bailiffs* of
 " sheriffs, because that the said bailiffs of sheriffs be so continually year after year abiding with the sheriffs, interchangeably in
 " one office or in another, our lord the king, by the advice and assent of the
 " lords spiritual and temporal, and at the
 " *special* instance and *special* request of the
 " commons of this realm, hath ordained
 " and

“ and established, THAT THEY WHO BE
 “ BAILIFFS OR SHERIFFS BY ONE YEAR
 “ SHALL BE IN NO SUCH OFFICE BY
 “ THREE YEARS NEXT FOLLOWING.”

But by this and a subsequent act the bailiffs of such sheriffs, whose sheriffwicks are *inheritable*, are excepted. Now the lord mayor and citizens of London have the sheriffalty of London and Middlesex in fee by charter ; therefore the bailiffs come within the above exception. The acts themselves are affirmative, and the exception consequently leaves a negative pregnant, which gives the sheriff full power to discharge such bailiffs under sheriffwicks *inheritable*, as if the acts had made no exceptions.

A removal then of the officers, or at least the greatest part of them, is the first step towards a reformation ; and the more effectually to eradicate the evil, as far as your power will extend, let them be replaced with men of moderate honesty and morality. Chuse them as you do other officers of less consequence, by ballot, election, &c. such a mode of choice will soon procure proper persons, and put the officers on a reputable footing. There is nothing dishonourable in the profession itself, more than in constable
 or

or any other minister of justice ; the name of bailiff is become contemptible ONLY from a notion, that none are such but those totally destitute of every spark of humanity and honesty. Sheriffs themselves are royal officers of great dignity, taking place even of noblemen in the county during their sheriffalty. Can it then be supposed, that the immediate deputies of an officer, whom the law honours with a judicial and ministerial jurisdiction, almost to unlimited power, should be composed of men too infamous for any other employment, such * only as are excluded from all social and friendly societies of men ? However it would be extremely unjust, and argue a want of candour and common charity, to indiscriminately confound the good with the bad, or make the whole answerable for the crimes of a part.

Amidst such a body of men, it is to be hoped that exceptions are not wanting ; but I will venture to say, that those exceptions will chiefly be found in the serjeants at mace, some of whom have been reputable tradesmen, and still retain a memory of their own misfortunes, which serves to keep the facul-

* Sheriffs officers, MERELY from their being such, are excepted in the formation of all neighbourly communities.

ties of feeling and humanity in a proper circulation, and makes them view the precipice from which they fell through the miseries of others.

But as it does not become my purpose or province to select the guilty from the innocent, I will leave them to stand justified by their own works, as they pass your more critical observation; all I contend for at present, is THE VERACITY OF THIS SHORT NARRATIVE, IN WHICH I HAVE NOT RELATED OR ALLUDED TO A SINGLE TRANSACTION BUT I CAN AUTHENTICATE WITH AGGRAVATING CIRCUMSTANCES. LET THEN THE PROOF OF PAST INJURIES BE MY TASK, A PREVENTION OF THE FUTURE YOURS. From the foregoing observations we may fairly conclude, that the present mode of holding the person of house-keepers in trade to bail, is no more beneficial to creditors than reputable to debtors, even supposing such arrest to be thoroughly consonant with the law of the land.

But to quit the legality, and turn to the equity and policy of confining the body of a debtor. There can be no reason given agreeable to humanity or christianity, why one party only should be punished for a crime, if
two

two concur in the guilt: The creditor that gives improper credit, with a view of exorbitant gain, meets the debtor half way in the fraud by the very act of trust. In the former it is premeditated fraud and avarice, in the latter rashness and folly. It is for his own sake that the creditor gives credit, and his hope of advantage begets a confidence in the creditor. As the contract or cause is mutual, so ought the consequence.

We have seen one generation after another imprisoned for debts they could not pay; and experience daily teaches, that a prison, so far from affording a creditor's demand, shuts up, with the debtor, every hope of recovering it. Why then should we pursue the remedy without a benefit? If the debtor has property, take it, and the end of arrest is fully answered. If no such property is to be found, the want of it can be no consolation to the debtor; and it is inhuman to add affliction on the back of misfortunes.

If we search the prisons through, it will appear, that a vast majority of prisoners are such from the villanies of attornies, the injustice of creditors, or from a disability to pay such debts as ought not, from the nature of their contract, to be paid. The just,

E

prisonment

fair, and honest man seldom imprisons his debtor for a want of abilities so much as for want of inclination. In the latter case, imprisonment is too slender a punishment for the offence, in the former too harsh and severe,

I am not so liberty-bit as to contend for it in behalf of a man, who has wasted his creditors substance by every act of dissipation and profligacy; but there certainly ought to be a line drawn between the fraudulent and honest debtor: the one merits a more exemplary correction than the laws inflict, the other claims not only the law's protection, but the aid of humanity.

The misery attending debtors would be often avoided, if creditors would DEIGN to see and treat with them, instead of sending an attorney, whose hearts in general are not made of penetrable stuff; to hope for mercy from them, is putting your finger in the fire and begging it not to burn.

Attornies fees amount to ten or fifteen pounds by suing a debtor to execution, and by making terms to avoid it as many shillings only; it is therefore absurd to suppose an attorney would advise an amicable adjustment.

As

As I have in the course of these confused and indigested observations pointed out the several abuses of attornies and bailiffs, with their several remedies, I shall endeavour to shew the reason why these remedies remain unapplied, and why such atrocious offences escape the vigilance, energy, and force of so many statutes framed for their detection, and upon a strict enquiry we shall find the evil under two general heads.

These outrages are mostly practised on such objects as are in a defenceless situation, and constrained to silence from their inabilities to complain. If, *per contra*, the oppressed person saves enough out of the wreck to make application, it is made under these disadvantageous circumstances. An attorney of integrity and reputation as studiously shuns a contest with miscreants, so loaded with infamy, as they would an epidemical contagion; on the other hand, an attorney of the same stamp renders the remedy infinitely worse than the disease. The relief obtained from such an advocate serves but to involve and plunge the complainant in a more horrid gulph of distress, by picking his pocket of every shilling he can procure, and afterwards selling his cause to the infamous defendant. This is a truth fatally

felt by one half of the world, and acknowledged by the other.

Surely then the interest and honor of the profession is deeply engaged in the extirpation of these disgraceful nuisances to THEIR community ; a small degree of THEIR exertion would brush these asps from the face of the earth, which now buzz and sting, to the annoyance of every less offensive member of society.

To say that this great end is not easy to accomplish, is folly and cowardice in the extreme. A proper knowledge in the laws, joined to a little spirit and resolution, would absolutely bring the whole artillery of petty-foggers to capitulate at least, and we should see them reduced to the alternative of living by the fair practice, or seeking some other profession.

Is it not enough to put the whole body of law out of countenance, when I positively aver to their teeth, that, with the assistance of the laws now in force, and an able attorney of spirit and character, I would undertake to render these horrid transactions impracticable, with impunity, for the future.

But

But what can we expect, when our most eminent pleaders will view a monstrous gigantic villany stalking on the verge of his brief, and will not step out of his *methodical* path to catch it? Have we not heard an orator exclaim, *Your lordships are well acquainted with the abilities of this man, this quire of affidavits are of his manufactory, the credit of which, my lords, will render an explanation of the matter unnecessary?*

Notwithstanding the known and established character of the solicitor in question, the very next cause we see the same eloquent gentleman take up the trowel and plaister of logic, and completely cover the egregious blacking he bestowed on him half an hour before.

It is not all the rhetorical eloquence, mustered from the force of language, that can reconcile this absurdity to common sense. The man who was all infamy half an hour ago cannot make so quick a transition; but on such paradoxes in law does the safety and support of these Jeofails depend.

Much having been said about the peculiar qualifications and abilities of a pettyfogging attorney, I shall conclude this Letter with a
 portrait

portrait of the most eminent one in this metropolis.

He keeps his COMMONS with bailiffs, knights of the pad and the post, and other *illustrious* personages of equal *dignity*. He has most carefully gleaned up all the little quirks and artifices in the law, which being too few for his purpose, he has augmented the number with some of his own invention. The fair practice he ever held an uncertain revenue, and honesty a bar to wealth. A weak conscience has disincumbered him of integrity, and a dislike to poverty freed him from every grain of morality. Right and wrong claim no distinction, but as they severally serve his interest. Justice and injustice bear the same *convenient* equality. It would be matter of wonder should a man, so happily equipped for advancement, miss success. We now find him armed, *cap-à-pe*, with writs of error, reverse of judgments, Ham pleas and demurrers, and Nature's great design fully answered in his creation. She bestowed knavery with a lavish hand; the addition of solicitor and scrivener has stamped him pettyfogger in every limb. His penetration is superior to most mens; the first fee enables him to pronounce the cause *just*, the second amounts to *inspiration*, and a third

a third shall decree his client the kingdom of MEXICO, if he wants it. Find but money, and he will find title. Let him finger a purse, and he will out-run the lawyer in the fable, who eat the oyster and left his client the shell; our pettyfogger will swallow the one and pocket the other. He is the HYÆNA* of the law, at whose hideous howl the other curs are dumb. His appetite for villany is most voracious, and in time we may hope to see him, like AARON's serpent, devouring every poisonous reptile of his own species. His conscience never takes a general view of his actions, but occasionally peeps when he handles the New Testament. In that moment his whole frame shakes from its center, and his soul seems agitated, as if pregnant with the murder of the twelve apostles. He is a remarkable instance of God's love for the creation; to warn mankind against the wiles of his tongue, Infinite Goodness has set a token of deception in his countenance. In his face we have a perfect index to his heart, each feature is a hieroglyphic expressive of horrid crimes beyond the reach of language. Perjury has so infected his breath,

* Aristotle and Elian relate, that a dog loses the faculty of barking when he opens; that he imitates the speech of a human being for the purpose of gaining admittance into their houses to devour them,

that

that he omits grace at his meals to avoid tainting the meat. He is a JUDAS in every thing but remorse; his insatiable avarice secures him from repentance, and he esteems not gold the less as being the price of BLOOD. He seems to have the gift of divinity, so far as to prophesy his own end; and therefore keeps a monitor* in the house to remind him HANGING is not repealed. Quirks, subterfuges, and evasions having kindly lugged him through his filthy life, as a mark of his gratitude he will remember them in his death; so that when the last trumpet sounds to judgment, like QUEVEDO's lawyer, he will DEMUR, under pretence that the proceedings were wrong from his creation, he having a soul not made for a human body.

* The lady who occasionally officiates as wife, bawd, priestess, or any thing most convenient, often serenades him with a rehearsal of his elegy, insisting on't he must be hanged.



F I N I S

